

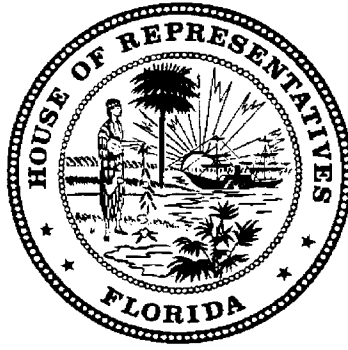


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# **Health Care General Committee**

**Wednesday, March 28, 2006  
10:30 AM – 12:00 PM  
306 HOB**

**COMMITTEE MEETING PACKET**



## **AGENDA**

Health Care General Committee

March 28, 2006

10:30 a.m. – 12:00 p.m.

306 HOB

- I. Call to order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bills:
  - **HB 865 CS** - - Enterprise Zone Incentives to Serve the Uninsured by Quinones
  - **HB 1449** - - Brain Tumor Research by Gannon
  - **HB 1451** - - Public Records by Gannon
  - **HB 1499** - - Automated External Defibrillators by Brutus
- IV. Closing Remarks and Adjournment



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 865 CS

Enterprise Zone Incentives to Serve the Uninsured

**SPONSOR(S):** Quinones

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 2588

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Economic Development, Trade &amp; Banking Committee</u>	<u>13 Y, 0 N, w/CS</u>	<u>Olmedillo</u>	<u>Carlson</u>
2) <u>Health Care General Committee</u>	<u></u>	<u>Brown-Barrios</u>	<u>Brown-Barrios</u>
3) <u>Finance &amp; Tax Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Commerce Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

### SUMMARY ANALYSIS

The bill creates an exemption through a refund of previously paid sales taxes for the purchase and use of medical equipment and supplies by a health care facility providing primary care services to the uninsured and located in an enterprise zone. The bill provides the following:

- A definition of "medical equipment", "medical supplies" and "health care facility";
- A limit on the property subject to refund of the first \$500,000 of medical equipment and supplies purchased and used by a facility any taxable year;
- Procedures for application for and approval of eligibility for tax exemption;
- Rulemaking authority for DOR;
- Assessment of penalties and interest in the event DOR determines medical equipment or supplies for which a refund is sought has been used outside an enterprise zone; and
- Revision of Enterprise Zone Development Authority boards to allow appointment of a person who is employed in the health care field.

The Revenue Estimating Conference has not estimated the fiscal impact of the bill.

The bill has an effective date of July 1, 2007.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Lower Taxes – The bill creates a tax exemption for health care facilities and community health care centers providing services to the uninsured and located in an enterprise zone.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

##### **Florida Enterprise Zone Program**

The Florida Enterprise Zone Act (act), codified in ss. 290.001-290.016, F.S., was created:

to provide the necessary means to assist local communities, their residents, and the private sector in creating the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas and to provide jobs for residents of such areas.<sup>1</sup>

The Florida Enterprise Zone Act of 1994 was scheduled to be repealed on December 31, 2005, but was re-enacted as the Florida Enterprise Zone Act (act) by ch. 2005-287, L.O.F., for an additional ten years, and is now scheduled to be repealed December 31, 2015.

Under the act, areas of the state meeting specified criteria, including suffering from pervasive poverty, unemployment, and general distress, have been designated as enterprise zones. The act established a process for the nomination and designation of a maximum of 20 enterprise zones in 1994.<sup>2</sup> Subsequently, the Legislature has designated additional zones. Currently, there are 55 enterprise zones in the state. When the Enterprise Zone Act was re-enacted by ch. 2005-287, L.O.F., the 53 existing enterprise zones were allowed to apply for re-designation; 51 of 53 have been re-designated. Four of the 55 enterprise zones were created by ch. 2005-244, L.O.F.: City of Lakeland, Indian River County, Sumter County, and Orange County. There are also three Federal Enterprise Communities and two Federal Empowerment Zones. Certain federal, state, and local incentives are authorized to induce private businesses to invest in these enterprise zones.

##### **State Incentives**

The program's incentives are as follows:

- Jobs credit against sales or corporate income taxes: In order to be eligible, businesses must increase the number of full time jobs. The credit amount varies based on job location and wage of employee.<sup>3</sup>
- Property tax credit: New, expanded, or rebuilt businesses located within an enterprise zone are allowed a credit on their Florida corporate income tax based on the amount of property taxes paid.<sup>4</sup>
- Sales tax refund for building materials: A refund is available for sales taxes paid on the purchase of building materials used in the rehabilitation of real property in an enterprise zone. The amount of the refund is the lesser of 97 percent of the sales taxes paid or \$5,000, or, if 20 percent or more of the business's employees reside in an enterprise zone, the lesser of 97 percent of the sales taxes paid or \$10,000.<sup>5</sup>

<sup>1</sup> Section 290.003, F.S.

<sup>2</sup> Sections 290.0055 and 290.0065, F.S.

<sup>3</sup> Sections 212.096 and 220.181, F.S.

<sup>4</sup> Section 220.182, F.S.

<sup>5</sup> Section 212.08(5)(g), F.S.

- Sales tax refund for business property used in an enterprise zone: A refund is available for sales taxes paid on the purchase of business property with a purchase price of \$5,000 or more purchased by and for use in a business located in an enterprise zone. The amount of the refund is the lesser of 97 percent of the sales taxes paid or \$5,000, or, if 20 percent or more of the business's employees reside in an enterprise zone, the lesser of 97 percent of the sales taxes paid or \$10,000.<sup>6</sup>

### **Local Incentives**

The following are examples of local incentives:

- Sales tax exemption for electrical energy used in an enterprise zone: A sales tax exemption (state and local taxes) is available to qualified businesses located in an enterprise zone on the purchase of electrical energy. This exemption is only available if the municipality in which the business is located has passed an ordinance to exempt the municipal utility taxes on such business.<sup>7</sup>
- Economic development ad valorem tax exemption: Up to 100 percent of the assessed value of improvements to real or tangible property of a new or expanded business located in an enterprise zone may be exempted from property taxes if the voters of a municipality authorize the governing body of the municipality to grant such exemptions.<sup>8</sup>
- Occupational license tax exemption: By ordinance, the governing body of a municipality may exempt 50 percent of the occupational license tax for businesses located in an enterprise zone.<sup>9</sup>
- Local impact fee abatement or reduction, or low-interest or interest-free loans, or grants to businesses.<sup>10</sup>

### **State Agencies**

The Governor's Office of Tourism, Trade, and Economic Development (OTTED) administers the Florida Enterprise Zone Act; the Department of Revenue (DOR) reviews and approves or denies a business's application for enterprise zone tax credits; and Enterprise Florida, Inc., is responsible for marketing the act.

### **Medical Equipment Exemption**

Current law exempts medical products and supplies or medicine dispensed according to a prescription and common household remedies from the sales and use tax.<sup>11</sup> In addition, the law grants an exemption for prosthetic and orthopedic appliances.<sup>12</sup>

### **The Uninsured**

By definition enterprise zones are located in communities that are suffering from pervasive poverty, unemployment, and general distress. Typically, the residents in these communities are disproportionately poor, and represent disproportionately racial and ethnic minorities. Medicaid and Medicare<sup>13</sup> assist many people in these communities who can't afford medical care by paying their medical bills. Medicaid targets individuals with low-income, but not all that are poor are eligible. Medicaid is a means-tested and categorical program. To qualify, applicants' income and resources must be within certain limits and must meet certain categorical groups. These categorical groups include children in poverty, certain low-income women, the disabled, and certain low-income elderly. The specific income and resource limitations that apply to each categorical eligibility group are set through a combination of Federal parameters and a state's definitions within the Federal parameters.

<sup>6</sup> Section 212.08(5)(h), F.S.

<sup>7</sup> Sections 212.08(15) and 166.231(8), F.S.

<sup>8</sup> Section 196.1995, F.S.

<sup>9</sup> Section 205.054, F.S.

<sup>10</sup> Section 290.0057(1)(e), F.S.

<sup>11</sup> Section 212.08(2)(a), F.S.

<sup>12</sup> Id.

<sup>13</sup> Medicare is the Federal health insurance program for people age 65 or older, people under age 65 with certain disabilities, and people of all ages with End-Stage Renal Disease (permanent kidney failure requiring dialysis or a kidney transplant).

Enterprise zones contain subsets of low-income people that are not eligible for Medicaid or Medicare because of income or categories of individuals not covered by these programs.

Most Floridians (82%) are insured by some form of either private or public health coverage. However, an estimated 18% of Florida's population is uninsured at anytime during a year. The following table delineates population by health insurance status in FY 2002 - 2003.

The Health Insurance Status of Floridians 2002-2003 <sup>14</sup>				
Source of Insurance	FL Population	%	US Population	%
Employer	7,956,640	48	156,270,570	54
Individual	990,350	6	13,593,990	5
Medicaid	2,007,000	12	38,352,430	13
Medicare	2,726,250	16	34,190,710	12
Uninsured	2,957,290	18	44,960,710	16
Total	16,637,520	100	287,368,410	100

A recent survey study of the uninsured<sup>15</sup>, funded by the Agency for Health Care Administration, estimated the number of uninsured Floridians at 19.2%. The study also described the characteristics of Floridians who lack health insurance coverage. This analysis revealed:

- Children age 18 or younger are 18.5% of the uninsured.
- Working-aged adults are 81.5% of the uninsured.
- Individuals within the age of 18 to 24 years are 15.8% of the uninsured.
- Individuals within the age of 25 to 34 years are 23.2% of the uninsured.
- Individuals within the age of 35 to 54 years are 34.1% of the uninsured.
- Individuals within the age of 55 to 64 years are 8.3% of the uninsured.

The survey also found that among uninsured working-aged adults, about a third do not have a job, either because they are actively seeking employment (20.9%) or because they are out of the work place (16.1%) due to schooling, disability, or family obligations. Another 13.9% are exclusively self-employed. About 37.3% of uninsured adults work full-time for an employer, while 11.9% are employed part-time.

The uninsured typically gain access to health care services through what are known as "safety-net" hospitals or facilities that typically include public hospitals, private non-profit hospitals, and community health centers, and many physicians all of whom help shoulder the burden of uncompensated care. While a broad range of providers serve uninsured patients, the largest share of uncompensated care, in terms of dollars, is provided by hospitals.<sup>16</sup> Those who are uninsured for an entire year pay for over a third of their health care costs out-of-pocket and many have real problems paying their medical bills. The uninsured are over twice as likely as the insured to report having problems paying their medical bills and are almost three times as likely to be contacted by a collection agency about medical bills.<sup>17</sup>

Although approximately 19.3 % of Florida's population is uninsured at anytime during a year, the percent of uninsured is much greater in many areas designated as enterprise zones. The table below is a sample of counties that have a greater percent of its population uninsured than the state average. Some of these counties have an enterprise zone designation or have an enterprise zone within the county boundaries.

<sup>14</sup> Source: Kaiser Foundation - Population Distribution by Insurance Status, state data 2002-03, U.S. 2003

<sup>15</sup> A Profile of Uninsured Floridians, Findings from the 2004 Florida Health Insurance Study

R. Paul Duncan et al, February 2005, The Department of Health Services Research, Management and Policy, University of Florida.

<sup>16</sup> Medicaid's Disproportionate Share Hospital Program: Complex Structure, Critical Payments; Robert E. Mechanic, National Health, Policy Forum, September 2004.

<sup>17</sup> *Ten Myths about the Uninsured* Kaiser Commission on Medicaid and the Uninsured Publication Number: 7307

Uninsured - Counties Above State Average (19.2%)					
County	Percent Uninsured	Enterprise Zone	County	Percent Uninsured	Enterprise Zone
Gadsden	36.2	✓	Manatee	21.0	✓
Hendry	31.6	✓	Jackson	20.9	✓
Hardee	30.8	✓	Sumter	20.9	
DeSoto	29.6	✓	Franklin	20.7	✓
Miami-Dade	28.6	✓	Jefferson	20.7	
Collier	28.0	✓	Suwannee	20.5	
Okeechobee	26.3	✓	Baker	20.4	
Glades	26.2	✓	Columbia	20.4	
St. Lucie	25.4	✓	Holmes	20.4	✓
Indian River	23.5	✓	Lake	20.4	
Lee	23.2	✓	Putnam	20.4	✓
Lafayette	22.8		Marion	20.3	
Hamilton	22.4	✓	Gulf	20.2	✓
Liberty	21.9	✓	Taylor	20.2	✓
Charlotte	21.8		Dixie	20.1	✓
Gilchrist	21.6		Flagler	20.1	
Union	21.5		Washington	20.1	✓
Madison	21.3	✓	Monroe	20.0	
Calhoun	21.2	✓	Wakulla	19.9	✓
Bradford	21.1		Walton	19.9	✓
Citrus	21.0		Levy	19.8	

There are supplemental funding mechanisms put in place by the Federal government to assist the state's effort to ensure access to care by Medicaid recipients and to assist in providing care to the uninsured. These funding mechanisms include the Medicaid Disproportionate Share Hospital program (DSH) and the Low Income Pool (LIP). The bulk of this funding goes to certain safety net hospitals. DSH compensates certain hospitals for some of the cost of serving a disproportionate share of low-income individuals who either are part of the Medicaid program or have no insurance at all. Beginning July 1, 2006 as part of Medicaid Reform, LIP funds (\$1 billion) will be distributed by the state to provide direct payment and distributions to certain safety-net providers in the state for the purpose of providing coverage to the uninsured.<sup>18</sup> Many providers that serve the uninsured do not receive DSH or LIP funds.

### **Effect of Proposed Changes:**

#### **Medical Sales and Use Tax Exemption**

The bill creates a tax exemption on the purchase and use of medical equipment and supplies by a health care facility providing primary care services to the uninsured and located in an enterprise zone.

The bill provides the following definitions:

<sup>18</sup> LIP replaces the current Upper Payment Limit (UPL) program. The UPL supplemental payment mechanism allows Florida within parameters established by the Federal Government to make higher special Medicaid payments to compensate certain hospitals by making up the difference between what Medicaid pays and what Medicare pays for certain hospital services.



- Medical equipment: durable medical equipment that can be used repeatedly that serves a medical purpose in the diagnosis, treatment or care of an individual.
- Medical supplies: items that are consumable, expendable, disposable or non-durable that serve a medical purpose in the diagnosis, treatment or care of an individual.
- Health care facility: a facility licensed pursuant to chapter 395 or a county health department, a children's medical services program, a federally qualified health center, a federally funded migrant health center, rural clinic, or other publicly funded community health program, and other programs designated by the Department of Health as a community health center that provide primary care services to the uninsured.

The bill limits the exemption to the first \$500,000 of equipment and supplies purchased and used by a facility in any taxable year. In addition, the bill provides that the exemption inures to the benefit of the health care facility as a refund of previously paid taxes.

The bill requires that a facility must first seek approval from the governing body or enterprise zone development agency having jurisdiction of the enterprise zone where the facility is located. Specifically, the bill provides that the applicant must complete an application, under oath, that includes information such as the name and address of the facility, the identifying number assigned to the enterprise zone in which the facility is located, a definition of the facility's taxable year, a specific description of the medical equipment and supplies for which a refund is sought, specific proof of the purchase of the medical equipment and supplies, and a statement that the facility serves uninsured patients.

The bill allots the governing body or enterprise zone development agency 10 working days from receipt of the application to review it and determine the applicant's eligibility. If the applicant meets all relevant criteria, governing body or enterprise zone development authority must certify, in writing, the applicant as eligible to receive the refund.

Thereafter, the applicant shall forward to DOR a certified application requesting a refund no later than 6 months after the tax is due on the medical equipment and supplies for which the applicant is seeking a refund. A refund shall not be granted if the equipment and supplies are eligible for exemptions under ss. 212.08(2) and (5)(h), F.S.; or unless a refund exceeds \$100 in sales tax paid on purchases made within a 60 day period. The bill provides DOR rulemaking authority to implement the provisions of this bill.

DOR shall deduct an amount equal to 10 percent of each refund granted from the amount transferred into the Local Government Half-Cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the medical equipment and supplies are located and shall transfer that amount to the General Revenue Fund.

The bill provides that the provisions of s. 212.095, F.S. (limiting actions) do not apply to refund applications pursuant to this section.

In the event DOR determines that any of the medical equipment and supplies for which a refund is sought is used outside an enterprise zone within 3 years from the date of purchase, the applicant shall immediately return the refund amount, interest on that amount from the date of purchase, and penalties.

The bill provides that the provisions of the bill expire concurrently with the expiration of the Florida Enterprise Zone Act, December 31, 2015.

The bill allows one of the commissioners of an enterprise zone development agency to be employed in the health care field, and provides for appointment only when a position becomes vacant after July 1, 2007.

## C. SECTION DIRECTORY:

Section 1: Amends s. 212.08, F.S., to create a sales and use tax exemption, provide a cap, provide procedures, provide rulemaking authority, provide penalties for a violation, and provide an expiration date.

Section 2: Amends s. 290.0056, F.S., to provide an additional requirement for the enterprise zone development agency board of commissioners and to provide a cross reference.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

The Revenue Estimating Conference has not estimated the fiscal impact of the bill.

#### **2. Expenditures:**

The Revenue Estimating Conference has not estimated the fiscal impact of the bill.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

The Revenue Estimating Conference has not estimated the fiscal impact of the bill.

#### **2. Expenditures:**

The Revenue Estimating Conference has not estimated the fiscal impact of the bill.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill will provide an exemption to health care facilities serving the uninsured and located in an enterprise zone.

### **D. FISCAL COMMENTS:**

The Revenue Estimating Conference has not estimated the fiscal impact of the bill.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

#### **1. Applicability of Municipality/County Mandates Provision:**

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not reduce the percentage of state tax shared with municipalities or counties.

#### **2. Other:**

None.

### **B. RULE-MAKING AUTHORITY:**

The bill provides DOR with rulemaking authority to implement the provisions of the bill.

### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On March 16, 2006, the Economic Development, Trade and Banking Committee adopted a strike-all amendment to the bill. The amendment provides the following:

1. An exemption through refund of previously paid sales and use taxes for medical equipment and supplies purchased by a health care facility that is located in an enterprise zone and that serves uninsured patients.
2. The exemption applies to the first \$500,000 in equipment and supplies purchased by the health care facility in a given taxable year.
3. A requirement that the health care facility must apply to the local government or Enterprise Zone Development Agency that oversees the enterprise zone for certification for eligibility to receive the exemption.
4. Local government must certify eligibility if the health care facility meets the application requirements and the Department of Revenue must provide the refund of previously paid sales or use taxes.
5. Rulemaking authority to DOR to implement the program.
6. A requirement that the medical equipment and supplies be used in the enterprise zone and provides a penalty if the equipment or supplies are used outside the zone within three years of their purchase.
7. Definitions of "medical equipment", "medical supplies" and "health care facility".
8. One member of an Enterprise Zone Development Agency may be employed in the health care field and that such a person may be appointed after a vacancy on such an agency after July 1, 2007.

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CHAMBER ACTION

The Economic Development, Trade & Banking Committee recommends  
the following:

**Council/Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to enterprise zone incentives to serve the  
uninsured; amending s. 212.08, F.S.; providing for an  
exemption by refund from the tax on sales, use, and other  
transactions of certain medical equipment or supplies  
purchased and used by certain health care facilities  
located in enterprise zones; providing a limitation;  
providing application requirements; providing procedures  
and limitations for the refund; providing duties of a  
local governing body or enterprise zone development  
agency; providing duties of the Department of Revenue;  
requiring the department to adopt rules; providing for  
return of the refund under certain circumstances;  
requiring the department to deduct a portion of refunds  
from amounts to be transferred into a certain trust fund  
and deposit such amount into the General Revenue Fund;  
providing definitions; providing for expiration under  
certain circumstances; amending s. 290.0056, F.S.;

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expanding the list of entities from which appointments may be made to an enterprise zone development agency's board of commissioners; providing an additional requirement for the membership of an enterprise zone development agency board of commissioners under certain circumstances; providing a limitation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (r) is added to subsection (5) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.--

(r) Medical equipment and supplies used in an enterprise zone.--

1. Medical equipment and supplies purchased for use by health care facilities that serve uninsured patients located in an enterprise zone which are subsequently used in an enterprise zone are exempt. This exemption inures to the health care facility only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

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2. To receive a refund, the health care facility must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone in which the health care facility is located, as applicable, an application which includes:

a. The name and address of the health care facility claiming the refund.

b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the health care facility is located.

c. A specific description of the medical equipment for which a refund is sought, including the serial numbers or other permanent identification numbers of the equipment.

d. A specific description of the medical supplies for which a refund is sought, including the serial or lot numbers or other numbers identifying the purchased supplies.

e. The sales invoice or other proof of purchase of the medical equipment or supplies, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the medical equipment or supplies were purchased.

f. A statement that the health care facility serves uninsured patients.

g. A statement defining the taxpayer's taxable year.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if the application contains all the information required pursuant to subparagraph 2. and

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80 meets the criteria set out in this paragraph. The governing body  
81 or agency shall certify all applications that contain the  
82 information required pursuant to subparagraph 2. and that meet  
83 the criteria set out in this paragraph as eligible to receive a  
84 refund. The certification shall be in writing and a copy of the  
85 certification shall be transmitted to the executive director of  
86 the Department of Revenue. The health care facility shall be  
87 responsible for forwarding a certified application to the  
88 department within the time specified in subparagraph 4.

89 4. An application for a refund pursuant to this paragraph  
90 must be submitted to the department within 6 months after the  
91 close of the taxable year during which the eligible medical  
92 equipment or supplies were purchased.

93 5. The provisions of s. 212.095 do not apply to any refund  
94 application made pursuant to this paragraph. This exemption  
95 shall apply to the first \$500,000 of taxable medical equipment  
96 or supplies purchased by a health care facility and used in the  
97 facility in any taxable year. A refund may not be granted under  
98 this paragraph unless the amount to be refunded exceeds \$100 in  
99 sales tax paid on purchases made within a 60-day time period. A  
100 refund may not be granted under this paragraph for medical  
101 equipment or supplies eligible for exemption pursuant to  
102 subsection (2) or eligible for a refund pursuant to paragraph  
103 (h).

104 6. The department shall adopt rules governing the manner  
105 and form of refund applications and may establish guidelines as  
106 to the requisites for an affirmative showing of qualification  
107 for exemption under this paragraph.

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7. If the department determines that the medical equipment or supplies are used outside an enterprise zone within 3 years from the date of purchase, the amount of taxes refunded to the health care facility purchasing such medical equipment or supplies shall immediately be due and payable to the department by the health care facility, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter. Notwithstanding this subparagraph, a health care facility may dispose of disposable supplies according to law.

8. The department shall deduct an amount equal to 10 percent of each refund granted under this paragraph from the amount to be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the medical equipment or supplies are located and shall deposit that amount into the General Revenue Fund.

9. For purposes of this exemption, the term:

a. "Medical equipment" means durable medical equipment that can be used repeatedly and that serves a medical purpose in the diagnosis, treatment, or care of an individual.

b. "Medical supplies" means items that are consumable, expendable, disposable or nondurable, and that serve a medical purpose in the diagnosis, treatment, or care of an individual.

c. "Health care facility" means a facility licensed pursuant to chapter 395 or a county health department, a children's medical services program, a federally qualified health center, a federally funded migrant health center, a rural



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136 clinic, or any other publicly funded community health program  
137 and any other programs designated by the Department of Health as  
138 a community health center that provide primary care services to  
139 the uninsured.

140 10. This paragraph expires on the date specified in s.  
141 290.016 for the expiration of the Florida Enterprise Zone Act.

142 Section 2. Subsection (2) and paragraph (a) of subsection  
143 (9) of section 290.0056, Florida Statutes, are amended to read:

144 290.0056 Enterprise zone development agency.--

145 (2) When the governing body creates an enterprise zone  
146 development agency, that body shall appoint a board of  
147 commissioners of the agency, which shall consist of not fewer  
148 than 8 or more than 13 commissioners. The governing body may  
149 appoint at least one representative from each of the following:  
150 the local chamber of commerce; local financial or insurance  
151 entities; local businesses and, where possible, businesses  
152 operating within the nominated area; the residents residing  
153 within the nominated area; nonprofit community-based  
154 organizations operating within the nominated area; health care  
155 facilities operating within the nominated area; the regional  
156 workforce board; the local code enforcement agency; and the  
157 local law enforcement agency. One of the commissioners on the  
158 board may be employed in the health care field, provided such  
159 requirement applies only when a position on the board becomes  
160 vacant after July 1, 2007, and appointment of a new commissioner  
161 is required to fill the vacancy or an additional member is to be  
162 appointed after July 1, 2007. The terms of office of the  
163 commissioners shall be for 4 years, except that, in making the

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164 initial appointments, the governing body shall appoint two  
165 members for terms of 3 years, two members for terms of 2 years,  
166 and one member for a term of 1 year; the remaining initial  
167 members shall serve for terms of 4 years. A vacancy occurring  
168 during a term shall be filled for the unexpired term. The  
169 importance of including individuals from the nominated area  
170 shall be considered in making appointments. Further, the  
171 importance of minority representation on the agency shall be  
172 considered in making appointments so that the agency generally  
173 reflects the gender and ethnic composition of the community as a  
174 whole.

175       (9) The following powers and responsibilities shall be  
176 performed by the governing body creating the enterprise zone  
177 development agency acting as the managing agent of the  
178 enterprise zone development agency, or, contingent upon approval  
179 by such governing body, such powers and responsibilities shall  
180 be performed by the enterprise zone development agency:

181       (a) To review, process, and certify applications for state  
182 enterprise zone tax incentives pursuant to ss. 212.08(5)(g),  
183 (h), (r), and (15); 212.096; 220.181; and 220.182.

184       Section 3. This act shall take effect January 1, 2007.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01(for drafter's use only)

Bill No. **HB 865 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Health Care General Committee  
2 Representative(s) Quinones offered the following:

3  
4 **Amendment**

5 Remove line(s) 73 and 74 and insert:

6 f. An affidavit declaring that at least ten percent of the  
7 cost incurred for care provided by the health care facility in  
8 the previous taxable year was uncompensated care and that the  
9 health care facility did not receive supplemental Medicaid  
10 disproportionate share hospital or low income pool funding  
11 pursuant to chapter 409.

03/27/2006 10:52 a.m.

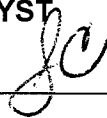
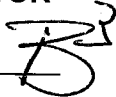
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h0865-0601cr



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1449      Brain Tumor Research  
**SPONSOR(S):** Gannon and others  
**TIED BILLS:** HB 1451      **IDEN./SIM. BILLS:** SB 2566

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Health Care General Committee		Ciccone 	Brown-Barrios 
2) Health Care Appropriations Committee			
3) Health & Families Council			
4)			
5)			

### SUMMARY ANALYSIS

HB 1449 establishes the Florida Center for Brain Tumor Research within the Scripps Research Institute. The bill provides legislative intent regarding the need for coordination among researchers and health care providers in the effort to find cures for cancerous and noncancerous brain tumors.

This bill directs the Department of Health to develop and maintain an automated centralized database of individuals with brain tumors and directs the Florida Center for Brain Tumor Research to provide a central repository for brain tumor biopsies. In addition, the Florida Center for Brain Tumor Research is directed to improve and monitor brain tumor biomedical research programs with the state, facilitate funding opportunities, and foster improved transfer of brain tumor research findings into clinical trials and public use.

The bill creates a scientific advisory council that includes biomedical researchers, physicians, and representatives from public and private universities and hospitals. Members of the council serve without compensation.

The bill has a \$4 million fiscal impact. Funds would be appropriated from the General Revenue Fund to the Florida Center for Brain Tumor Research for the 2006-2007 fiscal year for the purpose of funding brain tumor research and the procurement of brain tumor biopsies.

The effective date of the bill is July 1, 2006.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill expands the duties and responsibilities of the Department of Health to develop and maintain an automated, electronic, and centralized brain tumor registry.

Empower families – Individuals in need of information and treatment of cancerous and noncancerous brain tumors would benefit from the advances in information and technology as biomedical research extends to expand clinical research trials and eventual cures.

#### B. EFFECT OF PROPOSED CHANGES:

Current sections of law delineate a growing emphasis to encourage biomedical and clinical trial research in a variety of tumor-related areas of study in Florida. Several universities, including the University of Florida, University of Miami and the University of South Florida have well established programs dealing with cancerous and noncancerous brain tumor research. In addition, the H. Lee Moffitt Cancer Center and Research Institute and the Florida Hospital in Orlando are listed in the national registry of brain tumor centers. Public and privately funded research consortiums such as the Scripps Research Institute provide continuum of innovative research opportunities to foster communication and coordination among researchers and institutions, increase federal and other grant opportunities and expand the related economic industry growth.

#### Background

##### Tumors – General Definition

A tumor or neoplasm refers to a "new growth" of cells that already exist in a certain part of the body. Many different tumors can occur in the nervous system. They often cause headaches, seizures or neurological deficits. Tumors can be either benign or malignant. Malignant tumors are referred to as cancers. Tumor treatments can consist of surgical resection or biopsy, radiation approaches or drug treatment approaches (chemotherapy). Other tumors can be treated with modification of the body's own immune system (immunotherapy).<sup>1</sup>

There are over 120 types of brain tumors including acoustic neuroma, astrocytoma, and brain metastasis. Because of the many and varied types of brain tumors, treatment is complicated. Brain tumors in children are different from those in adults and are often treated differently. Although as many as 60% of children will survive, they are often left with long term side effects. In addition, brain tumors are the third leading cause of death in young adults ages 20-39.<sup>2</sup>

The American Cancer Society estimates that 18,820 Americans have been diagnosed with malignant brain or spinal cord tumors in 2005 and that 12,820 of these patients will die from these malignant tumors. 930 of these deaths that occurred in 2005 were in Florida.

The National Brain Tumor Foundation reports the following statistics:

- Each year approximately 190,000 people in the United States will be diagnosed with a primary or metastatic brain tumor.
- Brain tumors are the leading cause of Solid Tumor death in children under age 20 now surpassing acute lymphoblastic leukemia (ALL), and are the third leading cause of cancer death in young adults ages 20-39.

<sup>1</sup> See Department of Neurological Surgery, University of Pittsburgh, [www.neurosurgery.pitt.edu/conditions](http://www.neurosurgery.pitt.edu/conditions)

<sup>2</sup> National Brain Tumor Foundation website [www.braintumor.org/patient/treatment](http://www.braintumor.org/patient/treatment)

- Brain tumor patients, including those with certain "benign" brain tumors, have poorer survival rates than breast cancer patients.
- Metastatic brain tumors (cancer that spreads from other parts of the body to the brain) occur at some point in 10 to 15% of persons with cancer and are the most common type of brain tumor. The incidence of brain tumors has been increasing as cancer patients live longer.
- In the United States, the overall incidence of all primary brain tumors is more than 14 per 100,000 people.
- Because brain tumors are located at the control center for thought, emotion and movement, their effects on an individual's physical and cognitive abilities can be devastating.
- Brain tumors are treated by surgery, radiation therapy and chemotherapy, used either individually or in combination.
- Only 31 percent of males and 30 percent of females survive five years following the diagnosis of a primary or malignant brain tumor.
- Brain tumors in children are different from those in adults and are often treated differently. Although as many as 69 percent of children with brain tumors will survive, they are often left with long-term side effects.
- Enhancing the quality of life of people with brain tumors requires access to quality specialty care, clinical trials, follow-up care and rehabilitative services. Improving the outlook for adults and children with brain tumors requires research into the causes of and better treatments of brain tumors.
- Complete and accurate data on all primary brain tumors are needed to provide the foundation for research leading to improved diagnosis and treatment and to investigations of its causes.

#### BRAIN TUMOR SYMPTOMS AND TREATMENT

Symptoms of a brain tumor can include headaches (of sufficient discomfort to disrupt sleep), seizures in a person who does not have a history of seizures, cognitive or personality changes, eye weakness, nausea or vomiting, speech disturbances, or memory loss. While these are the most common symptoms of a brain tumor, they can also indicate other medical problems.

At present, surgery is the primary treatment for brain tumors that lie within those membranes covering the brain or in parts of the brain that can be removed without damaging critical neurological functions. Because a tumor can regrow if any tumor cells are left behind, surgeons strive to remove the entire tumor whenever possible. Radiation therapy and chemotherapy, in general are used as secondary or adjuvant treatment for tumors that cannot be removed by surgery alone.

#### C. SECTION DIRECTORY:

Section 1. Creates s. 381.853, F.S., and provides legislative intent regarding cancerous and noncancerous biomedical research, directs the Department of Health to develop and maintain a centralized database of brain tumor information, creates within the Scripps Research Institute the Florida Center for Brain Tumor Research, and creates a scientific advisory council.

Section 2. Provides a \$4 million appropriation from the General Revenue Fund to the Florida Center for Brain Tumor Research for the 2006-07 fiscal year.

Section 3. Provides an effective date of July 1, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None

2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

According to the Department of Health, the department will need additional funding to develop a specific automated, electronic and centralized database of individuals with brain tumors and to provide staffing necessary to maintain quality, completeness and timeliness of the registry data; develop and maintain rules; and to participate in the Advisory Council meetings and activities.

Estimated Expenditures	1 <sup>st</sup> Year	2 <sup>nd</sup> Year (Annualized/Recurring)
Salaries		
2 OMC II @\$38,048	\$ 76,096	\$ 77,997
1 OMC Mgr. @\$42,818	\$ 42,818	\$ 43,889
29% fringe	\$ 34,485	\$ 35,347
Total	\$153,399	\$157,233
Expense		
3 FTE @ Standard Professional Expense Package with Medium Travel \$16,460 1 <sup>st</sup> year - \$13,117 Recurring	\$ 49,380	\$ 39,351
Operating Capital Outlay		
3 FTE @ Standars OCO \$1,900 1 <sup>st</sup> year	\$ 5,700	\$ - 0 -
Total Estimates Expenditures	\$208,479	\$196,584

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:



This bill does not require counties or municipalities to take an action requiring the expenditure of funds, nor does it reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor does it reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill provides rule making authority for the Department of Health to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

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A bill to be entitled

An act relating to brain tumor research; creating s.  
381.853, F.S.; providing legislative findings and intent;  
requiring the Department of Health to develop and maintain  
a brain tumor registry; providing that individuals may  
choose not to be listed in the registry; establishing the  
Florida Center for Brain Tumor Research within the Scripps  
Research Institute; providing purpose and goal of the  
center; requiring the center to hold an annual brain tumor  
biomedical technology summit; providing for clinical  
trials and collaboration between certain entities;  
providing for funding; establishing a scientific advisory  
council and providing for composition and terms thereof;  
providing rulemaking authority to the department;  
providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 381.853, Florida Statutes, is created  
to read:

381.853 Florida Center for Brain Tumor Research.--

(1) The Legislature finds that each year an estimated  
190,000 citizens of the United States are diagnosed with  
cancerous and noncancerous brain tumors and that biomedical  
research is the key to finding cures for these tumors. The  
Legislature further finds that, although brain tumor research is  
being conducted throughout the state, there is a lack of  
coordinated efforts among researchers and health care providers.

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29 Therefore, the Legislature finds that there is a significant  
30 need for a coordinated effort to achieve the goal of curing  
31 brain tumors. The Legislature further finds that the biomedical  
32 technology sector meets the criteria of a high-impact sector,  
33 pursuant to s. 288.108(6), having a high importance to the  
34 state's economy with a significant potential for growth and  
35 contribution to our universities and quality of life.

36 (2) It is the intent of the Legislature to establish a  
37 coordinated effort among the state's public and private  
38 universities and hospitals and the biomedical industry to  
39 discover brain tumor cures and develop brain tumor treatment  
40 modalities. Moreover, it is the intent of the Legislature to  
41 expand the state's economy by attracting biomedical researchers  
42 and research companies to the state.

43 (3) The Department of Health shall develop and maintain a  
44 brain tumor registry that is an automated, electronic, and  
45 centralized database of individuals with brain tumors. The  
46 individual, or the parent or guardian of the individual if the  
47 individual is a minor, may refuse to participate in the brain  
48 tumor registry by signing a form obtained from the department or  
49 from the health care practitioner or entity that provides brain  
50 tumor care or treatment, which indicates that the individual  
51 does not wish to be included in the registry. The decision to  
52 not participate in the registry must be noted in the registry.

53 (4) There is established within the Scripps Research  
54 Institute the Florida Center for Brain Tumor Research.

55 (a) The purpose of the center is to provide a central  
56 repository for brain tumor biopsies from individuals throughout

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57 the state, improve and monitor brain tumor biomedical research  
 58 programs within the state, facilitate funding opportunities, and  
 59 foster improved technology transfer of brain tumor research  
 60 findings into clinical trials and widespread public use.

61 (b) The goal of the center is to find cures for brain  
 62 tumors.

63 (c) The center shall hold an annual brain tumor biomedical  
 64 technology summit in the state to which physicians and  
 65 biomedical researchers from the state's public and private  
 66 universities and teaching hospitals are invited to share  
 67 biomedical research findings in order to expedite the discovery  
 68 of cures. Summit attendees shall cover the costs of such  
 69 attendance or obtain sponsorship for such attendance.

70 (d) The center shall encourage clinical trials in the  
 71 state on research that holds the promise of curing brain tumors.  
 72 The center shall facilitate partnerships between researchers,  
 73 treating physicians, and hospitals for the purpose of sharing  
 74 new techniques and new research findings, as well as  
 75 coordinating the voluntary donation of brain tumor biopsies.

76 (e) The center shall facilitate the formation of  
 77 partnerships between researchers, physicians, and hospitals in  
 78 the state.

79 (f) The center shall be funded through private, state, and  
 80 federal sources.

81 (5) There is established within the center a scientific  
 82 advisory council that includes biomedical researchers,  
 83 physicians, and representatives from public and private

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universities and hospitals. The council shall meet at least annually.

(a) The council shall consist of representatives from:

1. The Scripps Research Institute.
2. A teaching hospital, as defined in s. 408.07.
3. Public and private state universities.
4. The Department of Health.
5. The Florida Medical Association.

(b) Council members shall serve staggered 4-year terms.

(c) Members of the council shall serve without compensation, and each organization represented shall cover all expenses of its representative.

(6) The Department of Health may adopt, repeal, and amend rules pursuant to ss. 120.536(1) and 120.54 relating to the center and the administration of the brain tumor registry. Such rules may include procedures for participating in brain tumor research and for providing access to confidential information necessary for brain tumor investigations. For the purposes of the brain tumor registry, the rules may include procedures for a health care practitioner and researcher to obtain authorization to use the brain tumor registry and methods for an individual or guardian to elect not to participate in the brain tumor registry.

Section 2. The sum of \$4 million is appropriated from the General Revenue Fund to the Florida Center for Brain Tumor Research for the 2006-2007 fiscal year for the purpose of funding brain tumor research and funding for the procurement of brain tumor biopsies.

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112        Section 3.   This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01(for drafter's use only)

Bill No. **HB 1449**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care General Committee  
Representative(s) Gannon offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 381.853, Florida Statutes, is created  
to read:

381.853 Florida Center for Brain Tumor Research.--

(1) The Legislature finds that each year an estimated  
190,000 citizens of the United States are diagnosed with  
cancerous and noncancerous brain tumors and that biomedical  
research is the key to finding cures for these tumors. The  
Legislature further finds that, although brain tumor research is  
being conducted throughout the state, there is a lack of  
coordinated efforts among researchers and health care providers.  
Therefore, the Legislature finds that there is a significant  
need for a coordinated effort to achieve the goal of curing  
brain tumors. The Legislature further finds that the biomedical  
technology sector meets the criteria of a high-impact sector,  
pursuant to s. 288.108(6), having a high importance to the  
state's economy with a significant potential for growth and  
contribution to our universities and quality of life.

03/27/2006 3:12 p.m.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01(for drafter's use only)

23       (2) It is the intent of the Legislature to establish a  
24 coordinated effort among the state's public and private  
25 universities and hospitals and the biomedical industry to  
26 discover brain tumor cures and develop brain tumor treatment  
27 modalities. Moreover, it is the intent of the Legislature to  
28 expand the state's economy by attracting biomedical researchers  
29 and research companies to the state.

30       (3) The Scripps Research Institute shall work with the  
31 University of Florida McKnight Brain Institute to develop and  
32 maintain a brain tumor registry that is an automated,  
33 electronic, and centralized database of individuals with brain  
34 tumors. The individual, or the parent or guardian of the  
35 individual if the individual is a minor, may refuse to  
36 participate in the brain tumor registry by signing a form  
37 obtained from the department or from the health care  
38 practitioner or entity that provides brain tumor care or  
39 treatment, which indicates that the individual does not wish to  
40 be included in the registry. The decision to not participate in  
41 the registry must be noted in the registry.

42       (4) There is established within the Scripps Research  
43 Institute the Florida Center for Brain Tumor Research.

44       (a) The purpose of the center is to provide a central  
45 repository for brain tumor biopsies from individuals throughout  
46 the state, improve and monitor brain tumor biomedical research  
47 programs within the state, facilitate funding opportunities, and  
48 foster improved technology transfer of brain tumor research  
49 findings into clinical trials and widespread public use.

50       (b) The goal of the center is to find cures for brain  
51 tumors.

52       (c) Funds specifically appropriated by the Legislature for  
53 peer reviewed brain tumor research shall be awarded on a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01(for drafter's use only)

54 competitive grant process developed by the Florida Brain Tumor  
55 Research Center.

56 (d) The center shall hold an annual brain tumor biomedical  
57 technology summit in the state to which scientists conducting  
58 basic peer reviewed scientific research from the state's public  
59 and private universities, teaching hospitals, and from for-  
60 profit and non-profit institutions are invited to share  
61 biomedical research findings in order to expedite the discovery  
62 of cures. Summit attendees shall cover the costs of such  
63 attendance or obtain sponsorship for such attendance.

64 (e) The center shall encourage clinical trials in the  
65 state on research that holds the promise of curing brain tumors.  
66 The center shall facilitate partnerships between researchers,  
67 physicians, clinicians and hospitals for the purpose of sharing  
68 new techniques and new research findings, as well as  
69 coordinating the voluntary donation of brain tumor biopsies.

70 (f) The center shall facilitate the formation of  
71 partnerships between researchers, physicians, clinicians and  
72 hospitals in the state.

73 (g) The center shall submit an annual report to the  
74 Governor, the President of the Senate, the Speaker of the House  
75 of Representatives, and the Secretary of the Department of  
76 Health no later than January 15<sup>th</sup> which contains recommendations  
77 for legislative change necessary to foster a positive climate  
78 for brain tumor research and treatment modalities in this state.

79 (h) The center shall be funded through private, state, and  
80 federal sources.

81 (5) There is established within the center a scientific  
82 advisory council that includes biomedical researchers,  
83 physicians, clinicians and representatives from public and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01(for drafter's use only)

private universities and hospitals. The council shall meet at least annually.

(a) The council shall consist of:

1. Two members from the Florida McKnight Brain Institute Center for Brain Therapy appointed by the Governor.

2. Two members from the Scripps Institute, one with an expertise in basic brain tumor research, appointed by the Speaker of the House.

3. Two members from other public and private state universities and institutions directly involved in brain tumor research, appointed by the President of the Senate.

4. Two physicians directly involved in the treatment of brain tumor patients appointed by the Secretary of the Department of Health.

(b) Council members shall serve staggered 4-year terms.

(c) Members of the council shall serve without compensation, and each organization represented shall cover all expenses of its representative.

(6) The Department of Health may adopt, repeal, and amend rules pursuant to ss. 120.536(1) and 120.54 relating to the center and the administration of the brain tumor registry. Such rules may include procedures for participating in brain tumor research and for providing access to confidential information necessary for brain tumor investigations. For the purposes of the brain tumor registry, the rules may include procedures for a health care practitioner and researcher to obtain authorization to use the brain tumor registry and methods for an individual or guardian to elect not to participate in the brain tumor registry.

Section 2. The sum of \$4 million is appropriated from the General Revenue Fund to the Florida Center for Brain Tumor

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01(for drafter's use only)

Research for the 2006-2007 fiscal year for the purpose of  
funding brain tumor research and funding for the procurement of  
brain tumor biopsies. From the total funds appropriated, an  
amount of up to 10 percent may be used for administrative  
expenses.

Section 3. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to brain tumor research; creating s.  
381.853, F.S.; providing legislative findings and intent;  
requiring the Department of Health to develop and maintain  
a brain tumor registry; providing that individuals may  
choose not to be listed in the registry; establishing the  
Florida Center for Brain Tumor Research within the Scripps  
Research Institute; providing purpose and goal of the  
center; requiring the center to hold an annual brain tumor  
biomedical technology summit; providing for clinical  
trials and collaboration between certain entities;  
providing for funding; establishing a scientific advisory  
council and providing for composition and terms thereof;  
providing rulemaking authority to the department;  
providing an appropriation; providing an effective date.



HB 1451

2006

A bill to be entitled  
An act relating to public records; creating s. 381.8531,  
F.S.; providing an exemption from public records  
requirements for personal identifying information  
contained in records of the Florida Center for Brain Tumor  
Research; providing for future review and repeal;  
providing a finding of public necessity; providing a  
contingent effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 381.8531, Florida Statutes, is created  
to read:

381.8531 Florida Center for Brain Tumor Research; public  
records exemption.--

(1) The following information held by the Florida Center  
for Brain Tumor Research is confidential and exempt from s.  
119.07(1) and s. 24, Art. I of the State Constitution:

(a) An individual's medical record.

(b) Any information received from an individual from  
another state or nation or the Federal Government that is  
otherwise confidential or exempt pursuant to the laws of that  
state or nation or pursuant to federal law.

(2) This section is subject to the Open Government Sunset  
Review Act in accordance with s. 119.15 and shall stand repealed  
on October 2, 2011, unless reviewed and saved from repeal  
through reenactment by the Legislature.

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28        Section 2. The Legislature finds that it is a public  
 29 necessity that an individual's medical record held by the brain  
 30 tumor registry developed pursuant to s. 381.853(3), Florida  
 31 Statutes, be made confidential and exempt from public records  
 32 requirements. Matters of personal health are traditionally  
 33 private and confidential concerns between the patient and the  
 34 health care provider. The private and confidential nature of  
 35 personal health matters pervades both the public and private  
 36 health care sectors. For these reasons, the individual's  
 37 expectation of and right to privacy in all matters regarding his  
 38 or her personal health necessitates this exemption. The  
 39 Legislature further finds that it is a public necessity to  
 40 protect a patient's medical record because the release of such  
 41 record could be defamatory to the patient or could cause  
 42 unwarranted damage to the name or reputation of that patient.  
 43 Finally, the Legislature finds that it is a public necessity to  
 44 protect information received by the brain tumor registry from an  
 45 individual from another state or nation or the Federal  
 46 Government that is otherwise exempt or confidential pursuant to  
 47 the laws of that state or nation or pursuant to federal law.  
 48 Without this protection, another state or nation or the Federal  
 49 Government might be less likely to provide information to the  
 50 registry in the furtherance of its duties and responsibilities.

51        Section 3. This act shall take effect July 1, 2006, if  
 52 House Bill 1449 or similar legislation is adopted in the same  
 53 legislative session or an extension thereof and becomes law.



HB 1499

2006

A bill to be entitled

An act relating to automated external defibrillators;  
 requiring certain high schools to have an operational  
 automated external defibrillator on the school grounds;  
 encouraging public and private partnerships to cover  
 certain costs associated with defibrillators; providing an  
 effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Each high school that is a member of the  
Florida High School Athletic Association shall have an  
operational automated external defibrillator on the high school  
grounds. Public and private partnerships are encouraged to cover  
the costs associated with the purchase and placement of the  
defibrillator and training in the use of the defibrillator.

Section 2. This act shall take effect July 1, 2006.